

recent report pursuant to this section and shall describe—

(1) significant developments in United States relations with Hong Kong, including a description of agreements that have entered into force between the United States and Hong Kong;

(2) other matters, including developments related to the change in the exercise of sovereignty over Hong Kong, affecting United States interests in Hong Kong or United States relations with Hong Kong;

(3) the nature and extent of United States-Hong Kong cultural, education, scientific, and academic exchanges, both official and unofficial;

(4) the laws of the United States with respect to which the application of section 5721(a) of this title has been suspended pursuant to section 5722(a) of this title or with respect to which such a suspension has been terminated pursuant to section 5722(d) of this title, and the reasons for the suspension or termination, as the case may be;

(5) treaties and other international agreements with respect to which the President has made a determination described in the last sentence of section 5721(b) of this title, and the reasons for each such determination;

(6) significant problems in cooperation between Hong Kong and the United States in the area of export controls;

(7) the development of democratic institutions in Hong Kong; and

(8) the nature and extent of Hong Kong's participation in multilateral forums.

(Pub. L. 102-383, title III, § 301, Oct. 5, 1992, 106 Stat. 1453.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5721 of this title.

#### § 5732. Separate part of country reports

Whenever a report is transmitted to the Congress on a country-by-country basis there shall be included in such report, where applicable, a separate subreport on Hong Kong under the heading of the state that exercises sovereignty over Hong Kong. The reports to which this section applies include the reports transmitted under—

(1) sections 2151n(d) and 2304(b) of this title (relating to human rights);

(2) section 2241 of title 19 (relating to trade barriers); and

(3) section 4711 of title 15 (relating to economic policy and trade practices).

(Pub. L. 102-383, title III, § 302, Oct. 5, 1992, 106 Stat. 1454.)

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#### § 5801. Definition of independent states

For purposes of this Act, the terms "independent states of the former Soviet Union" and "independent states" mean the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

(Pub. L. 102-511, § 3, Oct. 24, 1992, 106 Stat. 3321.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-199, § 1, Dec. 17, 1993, 107 Stat. 2317, provided that: "This Act [amending sections 295, 2301, 2364, 2370, 2460, 2461, 2578, 2591, 2592, 2595, 2799c, 2799d, 4501 to 4504, 4702, and 4901 of this title, section 4101 of Title 15, Commerce and Trade, sections 1151 and 1152 of Title 16, Conservation, section 951 of Title 18, Crimes and Criminal Procedure, section 783 of Title 50, War and National Defense, and sections 2401 and 2402 of Title 50, Appendix, repealing sections 254c-2, 2592a, and 2592b of this title, sections 781, 782, 784, 785, 788 to 795, and 798 of Title 50, and section 2403-1 of Title 50, Appendix, enacting provisions set out as notes under this section, sections 113 and 2431 of Title 10, Armed Forces, and section 2402 of Title 50, Appendix, amending provisions set out as notes under

section 4501 of this title, section 113 of Title 10, section 2901 of Title 15, and section 1003 of Title 40, Public Buildings, Property, and Works, and repealing provisions set out as notes under sections 287, 2151, 2293, 2458, and 4301 of this title, section 1307 of Title 19, Customs Duties, and section 781 of Title 50] may be cited as the 'Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine, and Other New Independent States' or as the 'FRIENDSHIP Act'."

#### SHORT TITLE

Section 1 of Pub. L. 102-511 provided that: "This Act [enacting this chapter and sections 282m, 282n, 286e-1f, 286e-5b, 286e-13, 286f, 286mm, 288], 2295 to 2295c, and 5402 of this title, amending sections 262d, 2370, 2507, and 4903 of this title and sections 1736o, 3293, 5602, 5621, 5622, and 5651 of Title 7, Agriculture, enacting provisions set out as notes under sections 2295a, 2452, 2753, 4903, and 5812 of this title, section 5621 of Title 7, and section 955 of Title 18, Crimes and Criminal Procedure, amending provisions set out as notes under section 2452 of this title, section 5622 of Title 7, and sections 1157 and 1255 of Title 8, Aliens and Nationality, and repealing provisions set out as a note under section 2452 of this title] may be cited as the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992' or the 'FREEDOM Support Act'."

#### POLICY OF FRIENDSHIP AND COOPERATION

Pub. L. 103-199, title I, §§ 101-103, Dec. 17, 1993, 107 Stat. 2318, 2319, provided that:

#### "SEC. 101. STATEMENT OF PURPOSE.

"The purpose of this Act [see Short Title of 1993 Amendment note above] is to amend or repeal numerous statutory provisions that restrict or otherwise impede normal relations between the United States and the Russian Federation, Ukraine, and the other independent states of the former Soviet Union. All of the statutory provisions amended or repealed by this Act were relevant and appropriate at the time of enactment, but with the end of the Cold War, they have become obsolete. It is not the purpose of this Act to rewrite or erase history, or to forget those who suffered in the past from the injustices or repression of communist regimes in the Soviet Union, but rather to update United States law to reflect changed international circumstances and to demonstrate for reformers and democrats in the independent states of the former Soviet Union the resolve of the people of the United States to support the process of democratic and economic reform and to conduct business with those states in a new spirit of friendship and cooperation.

#### "SEC. 102. FINDINGS.

"The Congress finds and declares as follows:

"(1) The Vancouver Declaration issued by President Clinton and President Yeltsin in April 1993 marked a new milestone in the development of the spirit of cooperation and partnership between the United States and Russia. The Congress affirms its support for the principles contained in the Vancouver Declaration.

"(2) The Vancouver Declaration underscored that—

"(A) a dynamic and effective partnership between the United States and Russia is vital to the success of Russia's historic transformation;

"(B) the rapid integration of Russia into the community of democratic nations and the world economy is important to the national interest of the United States; and

"(C) cooperation between the United States and Russia is essential to the peaceful resolution of international conflicts and the promotion of democratic values, the protection of human rights, and the solution of global problems such as environ-

mental pollution, terrorism, and narcotics trafficking.

"(3) The Congress enacted the FREEDOM Support Act (Public Law 102-511) [see Short Title note above], as well as other legislation such as the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) [22 U.S.C. 2551 note] and the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484) [22 U.S.C. 5901 et seq.], to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union.

"(4) The process of reform in Russia, Ukraine, and the other independent states of the former Soviet Union is ongoing. The holding of a referendum in Russia on April 25, 1993, that was free and fair, and that reflected the support of the Russian people for the process of continued and strengthened democratic and economic reform, represents an important and encouraging hallmark in this ongoing process.

"(5) There remain in force many United States laws that are relics of the Cold War, and repeals or revisions of these provisions can play an important role in efforts to foster and strengthen the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and Russia, the United States and Ukraine, and the United States and the other independent states of the former Soviet Union.

#### "SEC. 103. STATUTORY PROVISIONS THAT HAVE BEEN APPLICABLE TO THE SOVIET UNION.

"(a) IN GENERAL.—There are numerous statutory provisions that were enacted in the context of United States relations with a country, the Soviet Union, that are fundamentally different from the relations that now exist between the United States and Russia, between the United States and Ukraine, and between the United States and the other independent states of the former Soviet Union.

"(b) EXTENT OF SUCH PROVISIONS.—Many of the provisions referred to in subsection (a) imposed limitations specifically with respect to the Soviet Union, and its constituent republics, or utilized language that reflected the tension that existed between the United States and the Soviet Union at the time of their enactment. Other such provisions did not refer specifically to the Soviet Union, but nonetheless were directed (or may be construed as having been directed) against the Soviet Union on the basis of the relations that formerly existed between the United States and the Soviet Union, particularly in its role as the leading communist country.

"(c) FINDINGS AND AFFIRMATION.—The Congress finds and affirms that provisions such as those described in this section, including—

"(1) section 216 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316),

"(2) sections 136 [22 U.S.C. 3943 note] and 804 [99 Stat. 4491] of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93),

"(3) section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1411 [1414]),

"(4) the Multilateral Export Control Enhancement Amendments Act [see Short Title of 1988 Amendment note set out under section 2410 of Title 50, App., War and National Defense] (50 [App.] U.S.C. 2410 note, et seq.),

"(5) the Joint resolution providing for the designation of 'Captivity Nations Week' (Public Law 86-90) [73 Stat. 212],

"(6) the Communist Control Act of 1954 (Public Law 83-637) [see Short Title of 1954 Amendment note set out under section 781 of Title 50],

"(7) provisions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including sections 101(a)(40), 101(e)(3), and 313(a)(3) [8 U.S.C. 1101(a)(40), (e)(3), 1424(a)(3)],

"(8) section 2 of the joint resolution entitled 'A joint resolution to promote peace and stability in the Middle East', approved March 9, 1957 (Public Law 85-7) [22 U.S.C. 1961 et seq.], and

"(9) section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa),

should not be construed as being directed against Russia, Ukraine, or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and the independent states, or signifying or implying in any manner unfriendliness toward the independent states."

#### DEFINITIONS FOR PUB. L. 103-199

Pub. L. 103-199, § 3, Dec. 17, 1993, 107 Stat. 2318, provided that: "As used in this Act [see Short Title of 1993 Amendment note above] (including the amendments made by this Act), the terms 'independent states of the former Soviet Union' and 'independent states' have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801)."

#### ACT REFERRED TO IN OTHER SECTIONS

The Freedom for Russian and Emerging Eurasian Democracies and Open Markets Support Act of 1992, also known as the FREEDOM Support Act, is referred to in sections 2421d, 5958 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262d, 282m, 2295b of this title.

### SUBCHAPTER I—GENERAL PROVISIONS

#### § 5811. Findings

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical, and food assistance programs, by assisting in the development of democratic institutions, and by fostering conditions that will encourage the United States business community to engage in trade and investment;

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible;

(5) the independent states of the former Soviet Union face unprecedented environ-

mental problems that jeopardize the quality of life and the very existence of not only their own peoples but also the peoples of other countries, and it is incumbent on the international community to assist the independent states in addressing these problems and in promoting sustainable use of resources and development;

(6) the success of United States assistance for the independent states of the former Soviet Union depends on—

(A) effective coordination of United States efforts with similar activities of friendly and allied donor countries and of international financial institutions, and

(B) reciprocal commitments by the governments of the independent states to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities; and

(7) trade and investment opportunities in the independent states of the former Soviet Union will generate employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin to realize their enormous potential as both customers and suppliers.

(Pub. L. 102-511, title I, § 101, Oct. 24, 1992, 106 Stat. 3321.)

#### § 5812. Program coordination, implementation, and oversight

##### (a) Coordination

The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act);

(3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;

(4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act);

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

##### (b) Export promotion activities

Consistent with subsection (a) of this section, coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary's role as Chair of the Trade Promotion Coordination Committee.

##### (c) International economic activities

Consistent with subsection (a) of this section, coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary's role as Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

##### (d) Accountability for funds

Any agency managing and implementing an assistance program for the independent states of the former Soviet Union shall be accountable for any funds made available to it for such program.

(Pub. L. 102-511, title I, § 102, Oct. 24, 1992, 106 Stat. 3322.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2), (4), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

#### RESTRICTION ON ASSISTANCE TO AZERBAIJAN

Section 907 of Pub. L. 102-511 provided that: "United States assistance under this or any other Act (other than assistance under title V of this Act [22 U.S.C. 5851 et seq.]) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh."

#### SUPPORT FOR MACROECONOMIC STABILIZATION IN INDEPENDENT STATES OF FORMER SOVIET UNION

Section 1004 of Pub. L. 102-511 provided that:

"(a) IN GENERAL.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, enhance the opportunities for trade, improve the climate for foreign investment, and strengthen the process of transformation of the former socialist economies into free enterprise systems and thereby progressively enhance the well-being of the citizens of these states, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

"(b) CURRENCY STABILIZATION.—In furtherance of the purposes and consistent with the conditions described

In subsection (a), the Congress expresses its support for United States participation, in sums of up to \$3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

"(c) **STUDY OF THE NEED FOR AND FEASIBILITY OF A CURRENCY STABILIZATION FUND FOR UKRAINE.**—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund."

**REPORT ON DEBT OF FORMER SOVIET UNION HELD BY COMMERCIAL FINANCIAL INSTITUTIONS**

Section 1007 of Pub. L. 102-511 directed Secretary of the Treasury, using information available from the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, to report to Congress, not later than one year after Oct. 24, 1992, on the debt incurred by the former Soviet Union that is held by commercial financial institutions outside the independent states of the former Soviet Union that are obligated on such debt.

**EX. ORD. NO. 12884. DELEGATION OF FUNCTIONS UNDER FREEDOM SUPPORT ACT AND RELATED PROVISIONS OF FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT**

Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the FREEDOM Support Act (Public Law 102-511) (the "Act") [22 U.S.C. 5801 et seq.], the Foreign Assistance Act of 1961, as amended (the "Foreign Assistance Act") [22 U.S.C. 2151 et seq.], the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993 (Public Law 102-391) [see Tables for classification], and section 301 of title 3, United States Code, it is hereby ordered as follows:

**SECTION 1. Secretary of State.** (a) There are delegated to the Secretary of State the functions conferred upon the President by:

- (1) section 907 of the Act [set out above];
- (2) paragraphs (1), (2), and (3) of section 498A(b) of the Foreign Assistance Act [22 U.S.C. 2295a(b)(1), (2), (3)];
- (3) paragraph (1) of section 498A(C) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(1)] and the requirement to make reports under that section regarding determinations under that paragraph; and
- (4) section 599B of Public Law 102-391 [106 Stat. 1697].

(b) The Secretary of State may at any time exercise any function delegated to the Coordinator under this order or otherwise assigned to the Coordinator.

**Sec. 2. Coordinator.** There are delegated to the Coordinator designated in accordance with section 102 of the Act [22 U.S.C. 5812] the functions conferred upon the President by:

- (a) section 104 of the Act [22 U.S.C. 5814], and the Coordinator is authorized to assign responsibility for particular aspects of the reports described in that section to the heads of appropriate agencies;
- (b) section 301 of the Act [22 U.S.C. 5821], insofar as it relates to determinations and directives;
- (c) section 498A(a), section 498B(c), and section 498B(g) of the Foreign Assistance Act [22 U.S.C. 2295a(a), 2295b(c), (g)]; and
- (d) paragraph (2) of section 498A(c) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(2)] and the requirement to make reports under that section regarding determinations under that paragraph.

**Sec. 3. International Development Cooperation Agency.** There are delegated to the United States International Development Cooperation Agency the functions conferred upon the President by:

- (a) sections 301(a) and 307 of the Act [22 U.S.C. 5821(a), 5827], except insofar as provided otherwise in section 2(b) of this order;
- (b) section 498 and section 498C(b)(2) of the Foreign Assistance Act [22 U.S.C. 2295, 2295c(b)(2)];
- (c) paragraph (3) of section 498A(c) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(3)] and the requirement to make reports under that section regarding determinations under that paragraph;
- (d) subsection (d) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in Title II of Public Law 102-391 [106 Stat. 1650]; and
- (e) section 592 of Public Law 102-391 [106 Stat. 1691], except to the extent otherwise provided in section 5(b) of this order.

**Sec. 4. Secretary of Agriculture.** There are delegated to the Secretary of Agriculture the functions conferred upon the President by section 807(d) of the Act [22 U.S.C. 2452 note].

**Sec. 5. Other Agencies.** The functions conferred upon the President by:

- (a) sections 498B(h) and 498B(i) of the Foreign Assistance Act [22 U.S.C. 2295b(h), (i)] are delegated to the head of the agency that is responsible for administering the particular program or activity with respect to which the authority is to be exercised; and
- (b) the third proviso in section 592 of Public Law 102-391 [106 Stat. 1691] are delegated to the head of each agency that is responsible for administering relevant programs or activities.

**Sec. 6. General.** (a) the [sic] functions described in sections 3, 4, and 5 of this order shall be exercised subject to the authority of the Coordinator under section 102(a) of the Act [22 U.S.C. 5812(a)] or otherwise.

(b) As used in this order, the word "function" includes any duty, obligations, power, authority, responsibility, right, privilege, discretion, or activity.

(c) Functions delegated under this order shall be construed as excluded from the functions delegated under section 1-102(a) of Executive Order No. 12163, as amended [22 U.S.C. 2381 note].

(d) Any officer to whom functions are delegated or otherwise assigned under this order may, to the extent consistent with law, redelegate such functions and authorize their successive redelegation.

WILLIAM J. CLINTON.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 5813, 5841 of this title.

**§ 5813. Report on overall assistance and economic cooperation strategy**

**(a) Requirement for submission**

As soon as practicable after October 24, 1992, the coordinator designated pursuant to section 5812(a) of this title shall submit to the Congress a report on the overall assistance and economic cooperation strategy for the independent states of the former Soviet Union that is required to be developed pursuant to paragraph (1) of that section.

**(b) Assistance plan**

The report submitted pursuant to subsection (a) of this section shall include a plan specifying—

- (1) the amount of the funds authorized to be appropriated for fiscal year 1993 by chapter 11 of part I of the Foreign Assistance Act

of 1961 [22 U.S.C. 2295 et seq.] proposed to be allocated for each of the categories of activities authorized by section 498 of that Act [22 U.S.C. 2295] and to carry out section 5821 of this title (relating to American Business Centers), section 5823 of this title (relating to export promotion activities and capital projects), and subchapter III of this chapter (relating to the Democracy Corps);

(2) the amount of other funds made available for fiscal year 1993 to carry out the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] proposed to be allocated for assistance under that Act for the independent states of the former Soviet Union; and

(3) the amount of funds available for fiscal year 1993 under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] that are proposed to be made to each agency to carry out activities for the independent states under that Act or this Act.

(Pub. L. 102-511, title I, § 103, Oct. 24, 1992, 106 Stat. 3323.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. Chapter 11 of part I of the Act is classified generally to part XI (§ 2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

This Act, referred to in subsec. (b)(3), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

#### § 5814. Annual report

Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act or other provisions of law. Each such report shall include—

(1) an assessment of the progress each independent state has made in meeting the standards set forth in section 2295a of this title, including a description of the steps each independent state has taken or is taking toward meeting those standards and a discussion of additional steps that each independent state could take to meet those standards;

(2) a description of the United States assistance for each independent state that was provided during the preceding fiscal year, is planned for the current fiscal year, and is proposed for the coming fiscal year, specifying the extent to which such assistance for the preceding fiscal year and for current fiscal year has actually been delivered;

(3) an assessment of the effectiveness of United States assistance in achieving its purposes; and

(4) an evaluation of the manner in which the “notwithstanding” authority provided in section 2295b(j)(1) of this title, and the “notwithstanding” authority provided in any

other provision of law with respect to assistance for the independent states, has been used and why the use of that authority was necessary.

(Pub. L. 102-511, title I, § 104, Oct. 24, 1992, 106 Stat. 3324.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

#### DELEGATION OF FUNCTIONS

For delegation of certain functions of President under this section, see section 2(a) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, set out as a note under section 5812 of this title.

#### RESTRICTIONS ON ASSISTANCE FOR NEW INDEPENDENT STATES OF FORMER SOVIET UNION; REPORT TO CONGRESS

Pub. L. 103-87, title V, § 560(g), Sept. 30, 1993, 107 Stat. 967, provided that: “None of the funds appropriated by this Act [see Tables for classification] shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief: *Provided further*, That thirty days after the date of enactment of this Act [Sept. 30, 1993], and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: *Provided further*, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.”

#### REPORT TO CONGRESS UNDER FREEDOM SUPPORT ACT

Memorandum of President of the United States, Jan. 29, 1993, 58 F.R. 8201, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the FREEDOM Support Act (Public Law 102-511) (the “Act”) [see Short Title note set out under section 5801 of this title] and section 301 of Title 3 of the United States Code, I hereby delegate the functions and authorities relating to the report required to be submitted not later than January 31, 1993, under section 104 of the Act [22 U.S.C. 5814] to the Secretary of State, who is authorized to redelegate these functions and authorities consistent with applicable law.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

## SUBCHAPTER II—BUSINESS AND COMMERCIAL DEVELOPMENT

### § 5821. American Business Centers

#### (a) Establishment

The President is authorized and encouraged to establish American Business Centers in the independent states of the former Soviet Union receiving assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] where the President determines that such centers can be cost-effective in promoting the objectives described in section 498 of that Act [22 U.S.C. 2295] and United States economic interests and in establishing commercial partnerships between the people of the United States and the peoples of the independent states.

#### (b) Environmental business centers and agribusiness centers

For purposes of this section, the term "American Business Centers" includes the following:

(1) Environmental business centers in those independent states that offer promising market possibilities for the export of United States environmental goods and services. To the maximum extent practicable, these environmental business centers should be established as a component of other centers.

(2) Agribusiness centers that include the participation of private United States agribusinesses or agricultural cooperatives, private nonprofit organizations, State universities and land grant colleges, and financial institutions, that make appropriate contributions of equipment, materials, and personnel for the operation of such centers. The purposes of these agribusiness centers shall be—

(A) to enhance the ability of farmers and other agribusiness practitioners in the independent states to better meet the needs of the people of the independent states;

(B) to assist the transition from a command and control system in agriculture to a free market system; and

(C) to facilitate the demonstration and use of United States agricultural equipment and technology.

#### (c) Additional policy guidance

To the maximum extent possible, and consistent with the particular purposes of the specific types of centers, the President should direct that—

(1) the American Business Centers established pursuant to this section place special emphasis on assistance to United States small- and medium-sized businesses to facilitate their entry into the commercial markets of the independent states;

(2) such centers offer office space, business facilities, and market analysis services to United States firms, trade associations, and State economic development offices on a user-fee basis that minimizes the cost of operating such centers;

(3) such centers serve as a repository for commercial, legal, and technical information, including environmental and export control information;

(4) such centers identify existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance;

(5) such centers be established in several sites in the independent states; and

(6) host countries be asked to make appropriate contributions of real estate and personnel for the establishment and operation of such centers.

#### (d) Funding

##### (1) Reimbursement agreement

Not later than 90 days after October 24, 1992, the Administrator of the Agency for International Development shall conclude a reimbursement agreement with the Secretary of Commerce for the Department of Commerce's services in establishing and operating American Business Centers pursuant to this section.

##### (2) Authorization of appropriations

Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.], up to \$12,000,000 for fiscal year 1993 are authorized to be appropriated to carry out this section, in addition to amounts otherwise available for such purpose.

(Pub. L. 102-511, title III, § 301, Oct. 24, 1992, 106 Stat. 3332.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a) and (d)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part XI (§ 2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to United States International Development Cooperation Agency, except that all functions under this section, insofar as relating to determinations and directives, delegated to Coordinator, see sections 2(b) and 3(a) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, set out as a note under section 5812 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5813 of this title.

### § 5822. Business and Agriculture Advisory Council

#### (a) Establishment

The President is authorized to establish an advisory council to be known as the Independent States Business and Agriculture Advisory Council (hereinafter in this section referred to as the "Council")—

(1) to consult with and advise the President periodically regarding programs of assistance for the independent states of the former Soviet Union; and

(2) to evaluate, and consult periodically with the President regarding, the adequacy of bilateral and multilateral assistance programs



that would facilitate exports by United States companies to, and investments by United States companies in, the independent states.

**(b) Membership**

The Council should consist of 15 members, appointed by the President, who are drawn from United States companies reflecting diverse businesses and perspectives that have experience and expertise in dealing with the independent states of the former Soviet Union. The President should designate one such member to serve as Chair of the Council. Five such members should be appointed upon the recommendation of the Speaker and the Minority Leader of the House of Representatives and 5 should be appointed upon the recommendation of the Majority Leader and Minority Leader of the Senate. Members of the Council shall receive no compensation from the United States Government by reason of their service on the Council.

**(c) Staff**

Upon request of the Chair of the Council, the head of any United States Government agency may detail, on a nonreimbursable basis, any of the personnel of such agency to the Council to assist the Council.

(Pub. L. 102-511, title III, § 302, Oct. 24, 1992, 106 Stat. 3333.)

**TERMINATION OF ADVISORY COUNCILS**

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-643, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 5823. Funding for export promotion activities and capital projects**

**(a) Allocation of A.I.D. funds**

The President is encouraged to use a portion of the funds made available for the independent states of the former Soviet Union under chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.]—

(1) to fund the export promotion, finance, and related activities carried out pursuant to subsection (b)(1) of this section, including activities relating to the export of intermediary goods; and

(2) to fund capital projects, including projects for telecommunications, environmental cleanup, power production, and energy related projects.

**(h) Export promotion, finance, and related activities**

The Secretary of Commerce, as Chair of the Trade Promotion Coordination Committee, should, in conjunction with other members of that committee, design and implement programs to provide adequate commercial and technical assistance to United States businesses seeking markets in the independent states of

the former Soviet Union, including the following:

(1) Increasing the United States and Foreign Commercial Service presence in the independent states, in particular in the Russian Far Eastern cities of Vladivostok and Khabarovsk.

(2) Preparing profiles of export opportunities for United States businesses in the independent states and providing other technical assistance.

(3) Utilizing the Market Development Cooperator Program under section 4723 of title 15.

(4) Developing programs specifically for the purpose of assisting small- and medium-sized businesses in entering commercial markets of the independent states. In carrying out this paragraph, the Secretary of Commerce, to the extent possible, should work directly with private sector organizations with proven experience in trade and economic relations with the independent states.

(5) Supporting projects undertaken by the United States business community on the basis of partnership, joint venture, contractual, or other cooperative agreements with appropriate entities in the independent states.

(6) Supporting export finance programs, feasibility studies, political risk insurance, and other related programs through increased funding and flexibility in the implementation of such programs.

(7) Supporting the Business Information Service (BISNIS) and its related programs.

(Pub. L. 102-511, title III, § 303, Oct. 24, 1992, 106 Stat. 3333.)

**REFERENCES IN TEXT**

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part X1 (§ 2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 5813 of this title.

**§ 5824. Interagency working group on energy of the Trade Promotion Coordinating Committee**

The Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist United States energy sector companies to develop a long-term strategy for penetrating the energy market in the independent states of the former Soviet Union. The working group should—

(1) work with officials from the independent states in creating an environment conducive to United States energy investment;

(2) help to coordinate assistance to United States companies involved with projects to clean up former Soviet nuclear weapons sites and commercial nuclear waste; and

(3) work with representatives from United States business and industry involved with the energy sector to help facilitate the identi-



fication of business opportunities, including the promotion of oil, gas, and clean coal technology and products, energy efficiency, and the formation of joint ventures between United States companies and companies of the independent nations.

(Pub. L. 102-511, title III, § 304, Oct. 24, 1992, 106 Stat. 3334.)

#### § 5825. Reports to Congress

Not later than January 31 of each year (beginning in 1994), the Secretary of Commerce shall submit to the Congress a report—

(1) describing the implementation of the preceding sections of this subchapter;

(2) analyzing the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union, and

(3) examining the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage against United States companies.

(Pub. L. 102-511, title III, § 305, Oct. 24, 1992, 106 Stat. 3335.)

#### § 5826. Policy on combatting tied aid practices

Should the Secretary of the Treasury determine that foreign countries are engaged in tied aid practices with respect to any of the independent states of the former Soviet Union that violate the 1991 Helsinki agreement of the Organization for Economic Cooperation and Development, the President should give priority attention to combatting such practices.

(Pub. L. 102-511, title III, § 306, Oct. 24, 1992, 106 Stat. 3335.)

#### § 5827. Technical assistance for Russian Far East

##### (a) Authorization

The President is authorized to provide technical assistance, through an American university in a region which received nonstop air service to and from the Russian Far East as of July 1, 1992, to facilitate the development of United States business opportunities, free markets, and democratic institutions in the Russian Far East.

##### (b) Authorization of appropriations

There are authorized to be appropriated \$2,000,000 to carry out subsection (a) of this section.

(Pub. L. 102-511, title III, § 307, Oct. 24, 1992, 106 Stat. 3335.)

#### DELEGATION OF FUNCTIONS

For delegation of certain functions of President under this section, see section 3(a) of Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, set out as a note under section 5812 of this title.

#### § 5828. Funding for OPIC programs

##### (a) Authority to make additional funds available

Funds authorized to be appropriated for fiscal year 1993 to carry out chapter 11 of part

I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] may be made available to cover costs incurred by the Overseas Private Investment Corporation in carrying out programs with respect to the independent states of the former Soviet Union under title IV of chapter 2 of part I of that Act (22 U.S.C. 2191 and following), in addition to amounts otherwise available for that purpose.

##### (b) Enactment of OPIC Authorization Act

The authority of subsection (a) of this section shall cease to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

(Pub. L. 102-511, title III, § 308, Oct. 24, 1992, 106 Stat. 3335.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part II (§ 2295 et seq.) of subchapter I of chapter 32 of this title. Title IV of chapter 2 of part I of the Act is classified generally to subpart IV (§ 2191 et seq.) of part II of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Overseas Private Investment Corporation Act Amendments Act of 1992, referred to in subsec. (b), probably means the Overseas Private Investment Corporation Amendments Act of 1992, which was title I of H.R. 4996, 102d Congress, as passed by the House of Representatives. H.R. 4996 was enacted into law as Pub. L. 102-549 and title I was significantly revised and no longer contained provisions designating it as the Overseas Private Investment Corporation Amendments Act of 1992.

### SUBCHAPTER III—THE DEMOCRACY CORPS

#### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5813 of this title.

#### § 5841. Authorization for establishment of Democracy Corps

##### (a) Establishment; purpose

The President is authorized to provide for the establishment of the Democracy Corps as a private nonprofit organization, incorporated in the District of Columbia, whose purpose shall be to maintain a presence in the independent states of the former Soviet Union as described in subsection (c) of this section.

##### (b) Board of Directors

The Board of Directors of the Democracy Corps shall have not more than 10 members, appointed by the President. Individuals appointed to the Board—

(1) shall, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps, including involvement either with activities of the type described in subsection (d) of this section or in the independent states;

(2) shall be United States citizens; and

(3) may not be officers or employees of the United States Government or Members of Congress.

**(c) Grants to Democracy Corps; purpose**

The Administrator is authorized to make an annual grant to the Democracy Corps with the funds made available pursuant to this section. The purpose of such grants shall be to enable the Democracy Corps to maintain a presence in independent states of the former Soviet Union that will assist at the local level in the development of—

(1) institutions of democratic governance (including judicial, electoral, legislative, and administrative processes), and

(2) the nongovernmental organizations of a civil society (including charitable, educational, trade union, business, professional, voluntary, community, and other civic organizations),

by mobilizing the expertise of the American people to provide practical assistance through "on the ground" person-to-person advice, technical assistance, and small grants to indigenous individuals and indigenous entities, in accordance with subsection (d) of this section.

**(d) Activities**

The Democracy Corps shall be required to carry out its purpose through the placement within the independent states of teams of United States citizens with appropriate expertise and knowledge. Under guidelines developed by the Board, these teams shall assist indigenous individuals and entities in the independent states that are involved in the development of the institutions and organizations referred to in paragraphs (1) and (2) of subsection (c) of this section by—

(1) providing advice and technical assistance;

(2) making small grants (which in most cases should not exceed \$5,000) to such individuals and entities to assist the development of those institutions and organizations;

(3) identifying other sources of assistance; and

(4) operating local centers to serve as information, logistical, and educational centers and otherwise encourage cooperation and effectiveness by those involved in the development of democratic institutions, a market-oriented economy, and a civil society in the independent states.

These local centers may be designated as "Democracy Houses" or given another appropriate appellation.

**(e) Grant agreement**

Grants under this section shall be made pursuant to a grant agreement requiring the Democracy Corps to comply with the requirements specified in this section and with such other terms and conditions as the Administrator may require, which shall include requirements regarding consultation with the coordinator designated pursuant to section 5812(a) of this title, conflicts of interest, and accountability for funds, including a requirement for annual independent audits.

**(f) Coordination**

The Democracy Corps shall be required to—

(1) coordinate its activities pursuant to this section with the programs and activities of other entities operating in or providing assistance to the independent states of the former Soviet Union in support of the development of democratic institutions, a market-oriented economy, and a civil society; and

(2) ensure that its activities pursuant to this section are designed to avoid duplication with activities carried out under other United States Government foreign assistance and international information, educational, cultural, and exchange programs.

**(g) Prohibition on campaign financing**

Funds made available to the Democracy Corps under this section may not be expended by the Democracy Corps, or any recipient of a grant from the Democracy Corps, to finance the campaigns of candidates for public office.

**(h) Freedom of information**

**(1) In general**

Notwithstanding the fact that the Democracy Corps is not an agency or establishment of the United States Government, the Democracy Corps shall be required to comply fully with all of the provisions of section 552 of title 5.

**(2) Publication in Federal Register**

For purposes of complying pursuant to paragraph (1) with section 552(a)(1) of title 5, the Democracy Corps shall make available to the Administrator such records and other information as the Administrator determines may be necessary for such purposes. The Administrator shall cause such records and other information to be published in the Federal Register.

**(3) AID review**

In the event that the Democracy Corps determines not to comply with a request for records under section 552 of title 5, the Democracy Corps shall submit a report to the Administrator explaining the reasons for not complying with such request. If the Administrator approves such determination, the Agency for International Development shall assume full responsibility, including financial responsibility, for defending the Democracy Corps in any litigation relating to such request. If the Administrator disapproves such determination, the Democracy Corps shall be required to comply with such request.

**(i) Annual reports**

The Board shall be required to submit to the Administrator and the Congress, not later than January 31 each year, a comprehensive report on the activities of the Democracy Corps. Each such report shall list each grant made by the Democracy Corps under subsection (d)(2) of this section during the preceding fiscal year, specifying the grantee and the amount of the grant.

**(j) Authorization of appropriations**

Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.], up to \$15,000,000 for fiscal year 1993 are authorized to be appropriated for grants to the Democracy Corps under this section, in addition to amounts otherwise available for such purpose.

**(k) Sunset provision**

Grants may not be made to the Democracy Corps under this section after the end of fiscal year 1997.

**(l) Definitions**

As used in this section—

(1) the term "Administrator" means the Administrator of the Agency for International Development; and

(2) the term "Board" means the Board of Directors of the Democracy Corps.

(Pub. L. 102-511, title IV, § 401, Oct. 24, 1992, 106 Stat. 3335.)

**REFERENCES IN TEXT**

The Foreign Assistance Act of 1961, referred to in subsec. (j), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 11 of part I of the Act is classified generally to part XI (§ 2295 et seq.) of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

**SUBCHAPTER IV—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES****§ 5851. Findings**

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction of the independent states of the former Soviet Union;

(B) the prevention of proliferation of weapons of mass destruction and destabilizing conventional weapons of the independent states, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the conversion of the massive defense-related industry and equipment of the independent states of the former Soviet Union for civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states.

(Pub. L. 102-511, title V, § 501, Oct. 24, 1992, 106 Stat. 3338.)

**§ 5852. Eligibility**

Funds may be obligated for a fiscal year for assistance or other programs or activities for an

independent state of the former Soviet Union under sections 5853 and 5854 of this title only if the President has certified to the Congress, during that fiscal year, that such independent state is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if that independent state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 5853(a) or 5854(a) of this title or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(Pub. L. 102-511, title V, § 502, Oct. 24, 1992, 106 Stat. 3338.)

**DELEGATION OF AUTHORITY**

Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, provided:

Memorandum for the Secretary of State, the Secretary of Defense [and] the Director, Office of Management & Budget

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate:

1. to the Secretary of State the authority and duty vested in the President under section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484) [22 U.S.C. 5902(d)] and section 502 of the Freedom Support Act (Public Law 102-511 [22 U.S.C. 5852].

2. to the Secretary of Defense the authorities and duties vested in the President under sections 1412(a), 1431, and 1432 of Public Law 102-484 [22 U.S.C. 5902(a), 5921, 5922] and sections 503 and 508 of Public Law 102-511 [22 U.S.C. 5853, 5858].

The Secretary of Defense shall not exercise authority delegated by paragraph 2 hereof with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated by paragraph 1 hereof with respect to that former Soviet Republic. The Secretary of Defense shall not obligate funds in the exercise of authority delegated by paragraph 2 hereof unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 665(a)(2)]) for purposes of Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

The Secretary of State is directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

# **§ 5853. Nonproliferation and disarmament activities in independent states**

## **(a) Authorization**

The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the independent states of the former Soviet Union;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, non-military undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

## **(b) Funding priorities**

Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a) of this section.

## **(c) Use of defense funds**

### **(1) Authorization**

In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a) of this section, the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, funds made available pursuant to sections 108 and 109 of Public Law 102-229 or under the amendments made by section 506(a) of this Act.

### **(2) Limitation**

Funds described in paragraph (1) may not be obligated for programs and activities under subsection (a) of this section unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category

of the discretionary spending limits for that fiscal year (as defined in section 665(a)(2) of title 2) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

(Pub. L. 102-511, title V, § 503, Oct. 24, 1992, 106 Stat. 3338.)

## **REFERENCES IN TEXT**

Sections 108 and 109 of Public Law 102-229, referred to in subsec. (c)(1), are sections 108 and 109 of Pub. L. 102-229, title I, Dec. 12, 1991, 105 Stat. 1708, which are not classified to the Code.

Section 506(a) of this Act, referred to in subsec. (c)(1), is section 506(a) of Pub. L. 102-511, which was classified to section 5856(a) of this title and was omitted from the Code. Section 506(a) directed amendment of section 221 of Pub. L. 102-228, set out as a note under section 2551 of this title, but did not become effective pursuant to section 5856(c) of this title.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(2), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038. Part C of the Act is classified generally to subchapter I (§ 900 et seq.) of chapter 20 of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

## **DELEGATION OF AUTHORITY**

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

## **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 5852, 5855, 5856, 5857, 5858 of this title.

# **§ 5854. Nonproliferation and disarmament fund**

## **(a) Authorization**

The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states of the former Soviet Union;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engi-

neers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, non-military undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

**(b) Funding priorities**

Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a) of this section.

**(c) Use of security assistance funds**

**(1) Authorization**

In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a) of this section, the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, up to \$100,000,000 of security assistance funds for fiscal year 1993.

**(2) "Security assistance funds" defined**

As used in paragraph (1), the term "security assistance funds" means funds made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] (relating to the Economic Support Fund) or assistance under section 2763 of this title (relating to the "Foreign Military Financing Program").

**(3) Exemption from certain restrictions**

Section 531(e) of the Foreign Assistance Act of 1961 [22 U.S.C. 2346(e)], and any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology), shall not apply with respect to funds used pursuant to this subsection.

(Pub. L. 102-511, title V, § 504, Oct. 24, 1992, 106 Stat. 3339.)

**REFERENCES IN TEXT**

The Foreign Assistance Act of 1961, referred to in subsec. (c)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified to part IV (§ 2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, referred to in subsec. (c)(3), is section 510 of Pub. L. 101-513, title V, Nov. 5, 1991, 104 Stat. 2003, which is not classified to the Code.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 5852, 5855, 5857, 5858 of this title.

**§ 5855. Limitations on defense conversion authorities**

Notwithstanding any other provision of law (including any other provision of this Act), funds may not be obligated in any fiscal year for purposes of facilitating the conversion of

military technologies and capabilities and defense industries of the former Soviet Union into civilian activities, as authorized by sections 5853(a)(6) and 5854(a)(6) of this title or any other provision of law, unless the President has previously obligated in the same fiscal year an amount equal to or greater than that amount of funds for defense conversion and defense transition activities in the United States. For purposes of this section, the term "defense conversion and defense transition activities in the United States" means those United States Government funded programs whose primary purpose is to assist United States private sector defense workers, United States companies that manufacture or otherwise provide defense goods or services, or United States communities adversely affected by reductions in United States defense spending, such as programs funded through the Office of Economic Adjustment in the Department of Defense, through the Defense Conversion Adjustment Program (as authorized by the Job Training Partnership Act [29 U.S.C. 1501 et seq.]), or through the Economic Development Administration.

(Pub. L. 102-511, title V, § 505, Oct. 24, 1992, 106 Stat. 3340.)

**REFERENCES IN TEXT**

This Act, referred to in text, is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Job Training Partnership Act, referred to in text, is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§ 1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

**§ 5856. Soviet weapons destruction**

(a), (b) Omitted

**(c) Avoidance of duplicative amendments**

The amendments made by this section shall not be effective if the National Defense Authorization Act for Fiscal Year 1993 enacts an amendment to section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 that authorizes the transfer of an amount that is the same or greater than the amount that is authorized by the amendment made by subsection (a)(1) of this section and enacts amendments identical to those in subsections (a)(2) and (b) of this section. If that Act enacts such amendments, sections 5853 and 5858 of this title shall be deemed to apply with respect to the funds made available under such amendments.

(Pub. L. 102-511, title V, § 506, Oct. 24, 1992, 106 Stat. 3341.)

**REFERENCES IN TEXT**

For the amendments made by this section, referred to in subsec. (c), see Codification note below.

The National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (c), is Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2315. For complete classifica-

tion of this Act to the Code, see Tables. See, also, Codification note below.

Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991, referred to in subsec. (c), is section 221(a) of Pub. L. 102-228, which is set out as a note under section 2551 of this title. See Codification note below.

#### CODIFICATION

Section is comprised of section 506 of Pub. L. 102-511. Subsec. (a) of this section directed the amendment of section 221 of Pub. L. 102-228 which is set out as a note under section 2551 of this title and subsec. (b) of this section directed the amendment of sections 108 and 109 of Pub. L. 102-229 which are not classified to the Code. Because of amendments by section 1421(a)(2)(B), (3) and (b) of Pub. L. 102-484, div. A, title XIV, Oct. 23, 1992, 106 Stat. 2565, to section 221 of Pub. L. 102-228 and sections 108 and 109 of Pub. L. 102-229, the amendments directed by subsecs. (a) and (b) of this section did not take effect pursuant to subsec. (c) of this section.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5853, 5858 of this title.

#### § 5857. Walver of certain provisions

##### (a) In general

Funds made available for fiscal year 1993 under sections 5853 and 5854 of this title to provide assistance or otherwise carry out programs and activities with respect to the independent states of the former Soviet Union under those sections may be used notwithstanding any other provision of law, other than the provisions cited in subsection (b) of this section.

##### (b) Exceptions

Subsection (a) of this section does not apply with respect to—

- (1) this subchapter; and
- (2) section 1341 of title 31 (commonly referred to as the "Anti-Deficiency Act"), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

(Pub. L. 102-511, title V, § 507, Oct. 24, 1992, 106 Stat. 3341.)

#### REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (b)(2), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (b)(2), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of Title 2, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

The Budget Enforcement Act of 1990, referred to in subsec. (b)(2), is title XIII of Pub. L. 101-508, Nov. 5, 1990, 104 Stat. 1388-573. For complete classification of

this Act to the Code, see Short Title of 1990 Amendment note set out under section 900 of Title 2 and Tables.

#### § 5858. Notice and reports to Congress

##### (a) Notice of proposed obligations

Not less than 15 days before obligating any funds under section 5853 or 5854 of this title or the amendments made by section 506(a),<sup>1</sup> the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the proposed obligation. Each such report shall specify—

- (1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligations; and
- (2) the activities and forms of assistance for which the President plans to obligate such funds.

##### (b) Semiannual report

Not later than April 30, 1993, and not later than October 30, 1993, the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the activities carried out under sections 5853 and 5854 of this title and the amendments made by section 506(a).<sup>1</sup> Each such report shall set forth, for the preceding 6-month period and cumulatively, the following:

- (1) The amounts expended for such activities and the purposes for which they were expended.
- (2) The source of the funds obligated for such activities, specified by program.
- (3) A description of the participation of all United States Government departments and agencies in such activities.
- (4) A description of the activities carried out and the forms of assistance provided.
- (5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under sections 5853 and 5854 of this title and the amendments made by section 506(a).<sup>1</sup>

##### (c) Appropriate congressional committees

As used in this section—

- (1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(B) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity,

<sup>1</sup> See References in Text note below.

or program is funded from appropriations made under the national defense budget function (050); and

(2) the committee to which the specified activities of section 5853(a) or 5854(a) of this title or subtitle B of the Soviet Nuclear Threat Reduction Act of 1991 (as the case may be), if the subject of separate legislation, would be referred, under the rules of the respective House of Congress.

(Pub. L. 102-511, title V, § 508, Oct. 24, 1992, 106 Stat. 3342.)

#### REFERENCES IN TEXT

Section 506(a), referred to in subsecs. (a) and (b), is section 506(a) of Pub. L. 102-511, which was classified to section 5856(a) of this title and was omitted from the Code. Section 506(a) directed amendment of section 221 of Pub. L. 102-228, set out as a note under section 2551 of this title, but did not become effective, pursuant to section 5856(c) of this title.

The Soviet Nuclear Threat Reduction Act of 1991, referred to in subsec. (c)(2), is title II of Pub. L. 102-228, Dec. 12, 1991, 105 Stat. 1693. The reference to subtitle B of the Act probably means part B of title II of Pub. L. 102-228, which is set out as a note under section 2551 of this title. Title II of Pub. L. 102-228 does not contain a subtitle B. For complete classification of this Act to the Code, see Tables.

#### DELEGATION OF AUTHORITY

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5856 of this title.

#### § 5859. International nonproliferation initiative

(a) to (e) Omitted

(f) Avoidance of duplicative authorizations

This section shall not apply if the National Defense Authorization Act for Fiscal Year 1993 enacts the same authorities and requirements as are contained in this section and authorizes the appropriation of the same (or a greater) amount to carry out such authorities.

(Pub. L. 102-511, title V, § 509, Oct. 24, 1992, 106 Stat. 3343.)

#### REFERENCES IN TEXT

The National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (f), is Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2315. For complete classification of this Act to the Code, see Tables. See Codification note below.

#### CODIFICATION

Section is comprised of section 509 of Pub. L. 102-511. Subsecs. (a) to (e) were omitted pursuant to subsec. (f) because section 1505 of the National Defense Authorization Act for Fiscal Year 1993, Pub. L. 102-484, which is classified to section 5859a of this title, enacted the same authorities and requirements as contained in subsecs. (a) to (e) and authorized the appropriation of the same or a greater amount to carry out such authorities.

#### § 5859a. International nonproliferation initiative

(a) Assistance for international nonproliferation activities

Subject to the limitations and requirements provided in this section, during fiscal year 1994 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) Activities for which assistance may be provided

Activities for which assistance may be provided under this section are activities such as the following:

(1) Activities carried out by the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(c) Form of assistance

(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 665(a)(2) of title 2) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.



**(d) Sources of assistance**

(1) Funds provided as assistance under this section shall be derived from amounts made available to the Department of Defense for fiscal year 1994 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section may not exceed <sup>1</sup> \$25,000,000, including funds used for activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

**(e) Quarterly report**

(1) Not later than 30 days after the end of each quarter of fiscal year 1994, the Secretary of Defense shall transmit to the committees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) and under subsection (d)(4)<sup>2</sup> of this section are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(Pub. L. 102-484, div. A, title XV, § 1505, Oct. 23, 1992, 106 Stat. 2569; Pub. L. 103-160, div. A, title XI, § 1182(c)(5), title XVI, § 1602, Nov. 30, 1993, 107 Stat. 1772, 1843.)

**REFERENCES IN TEXT**

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(3), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended. Part C of the Act is classified generally to subchapter I (§ 900 et seq.) of chapter 20 of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

**CODIFICATION**

Section was enacted as part of the Weapons of Mass Destruction Control Act of 1992 and also as part of the National Defense Authorization Act for Fiscal

Year 1993, and not as part of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 or Freedom Support Act which comprises this chapter.

**AMENDMENTS**

1993—Subsecs. (a), (d)(1). Pub. L. 103-160, § 1602(a), substituted “fiscal year 1994” for “fiscal year 1993”.

Subsec. (d)(3). Pub. L. 103-160, § 1602(b)(2), struck out at end “Of such amount, not more than \$20,000,000 may be used for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.”

Pub. L. 103-160, § 1602(b)(1), substituted “\$25,000,000, including funds used for activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq” for “40,000,000”.

Subsec. (d)(4). Pub. L. 103-160, § 1602(c), struck out par. (4) which read as follows: “Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) c<sup>f</sup> this section a report on the proposed obligation. Each such report shall specify—

“(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

“(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.”

Subsec. (e)(1). Pub. L. 103-160, § 1602(a), substituted “fiscal year 1994” for “fiscal year 1993”.

Subsec. (e)(2). Pub. L. 103-160, § 1182(c)(5), substituted “(d)(4)” for “(d)(2)” in introductory provisions.

**§ 5860. Report on special nuclear materials**

Not later than 180 days after October 24, 1992, the Secretary of State shall prepare, in consultation with the Secretary of Defense and the Secretary of Energy, and shall transmit to the Congress a report on the possible alternatives for the ultimate disposition of special nuclear materials of the former Soviet Union. This report shall include—

(1) a cost-benefit analysis comparing (A) the relative merits of the indefinite storage and safeguarding of such materials in the independent states of the former Soviet Union and (B) its acquisition by the United States by purchase, barter, or other means;

(2) a discussion of relevant issues such as the protection of United States uranium producers from dumping, the relative vulnerability of these stocks of special nuclear materials to illegal proliferation, and the potential electrical and other savings associated with their being made available in the fuel cycle in the United States; and

(3) a discussion of how highly enriched uranium stocks could be diluted for reactor fuel.

(Pub. L. 102-511, title V, § 510, Oct. 24, 1992, 106 Stat. 3344.)

**§ 5861. Research and Development Foundation****(a) Establishment**

The Director of the National Science Foundation (hereinafter in this section referred to as the “Director”) is authorized to establish an endowed, nongovernmental, nonprofit foundation (hereinafter in this section referred to as the “Foundation”) in consultation with the Direc-

<sup>1</sup> So in original.

<sup>2</sup> So in original. Subsection (d)(4) was repealed by Pub. L. 103-160. See 1993 Amendment note below.

tor of the National Institute of Standards and Technology.

**(b) Purposes**

The purposes of the Foundation shall be the following:

(1) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent the dissolution of the technological infrastructure of the independent states.

(2) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(3) To assist in the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(4) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(5) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

**(c) Functions**

In carrying out its purposes, the Foundation shall—

(1) promote and support joint research and development projects for peaceful purposes between scientists and engineers in the United States and independent states of the former Soviet Union on subjects of mutual interest; and

(2) seek to establish joint nondefense industrial research, development, and demonstration activities through private sector linkages which may involve participation by scientists and engineers in the university or academic sectors, and which shall include some contribution from industrial participants.

**(d) Funding**

**(1) Use of certain Department of Defense funds**

(A) To the extent funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 [22 U.S.C. 5931] (relating to joint research and development programs with the independent states of the former Soviet Union) are otherwise available for such purpose, such funds may be made available to the Director for use by the Director in establishing the endowment of the Foundation and otherwise carrying out this section.

(B) For each fiscal year after fiscal year 1993, not more than 50 percent of the funds made available to the Foundation by the

United States Government may be funds appropriated in the national defense budget function (function 050).

**(2) Contribution to endowment by participating independent states**

As a condition of participation in the Foundation, an independent state of the former Soviet Union must make a minimum contribution to the endowment of the Foundation, as determined by the Director, which shall reflect the ability of the independent state to make a financial contribution and its expected level of participation in the Foundation's programs.

**(3) Debt conversions**

To the extent provided in advance by appropriations Acts, local currencies or other assets resulting from government-to-government debt conversions may be made available to the Foundation. For purposes of this paragraph, the term "debt conversion" means an agreement whereby a country's government-to-government or commercial external debt burden is exchanged by the holder for local currencies, policy commitments, other assets, or other economic activities, or for an equity interest in an enterprise theretofore owned by the debtor government.

**(4) Local currencies**

In addition to other uses provided by law, and subject to agreement with the foreign government, local currencies generated by United States assistance programs may be made available to the Foundation.

**(5) Investment of Government assistance**

The Foundation may invest any revenue provided to it through United States Government assistance, and any interest earned on such investment may be used only for the purpose for which the assistance was provided.

**(6) Other funds from Government and nongovernmental sources**

The Foundation may accept such other funds as may be provided to it by Government agencies or nongovernmental entities.

(Pub. L. 102-511, title V, § 511, Oct. 24, 1992, 106 Stat. 3345.)

**REFERENCES IN TEXT**

Subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (d)(1), is subtitle E of title XIV of div. A of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2566, which is classified generally to subchapter IV (§ 5931) of chapter 68 of this title.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 5931 of this title.

## SUBCHAPTER V—SPACE TRADE AND COOPERATION

### § 5871. Facilitating discussions regarding acquisition of space hardware, technology, and services from former Soviet Union

#### (a) Expedited review

Any request for a license or other approval described in subsection (c) of this section that is submitted to any United States Government agency by the National Aeronautics and Space Administration, any of its contractors, or any other person shall be considered on an expedited basis by that agency and any other agency involved in an applicable interagency review process.

#### (h) Notice to Congress if license denied

If any United States Government agency denies a request for a license or other approval described in subsection (c) of this section, that agency shall immediately notify the designated congressional committees. Each such notification shall include a statement of the reasons for the denial.

#### (c) Description of discussions

This section applies to a request for any license or other approval that may be necessary to conduct discussions with an independent state of the former Soviet Union with respect to the possible acquisition of any space hardware, space technology, or space service for integration into—

- (1) United States space projects that have been approved by the Congress, or
- (2) commercial space ventures,

including discussions relating to technical evaluation of such hardware, technology, or service.

(Pub. L. 102-511, title VI, § 601, Oct. 24, 1992, 106 Stat. 3346.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5872, 5873 of this title.

### § 5872. Office of Space Commerce

#### (a) Trade missions

The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct one or more trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states.

#### (b) Monitoring negotiations

The Office of Space Commerce—

(1) shall monitor the progress of any discussions described in section 5871(c)(1) of this title that are being conducted; and

(2) shall advise the Administrator of the National Aeronautics and Space Administration as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services

from the independent states of the former Soviet Union, specifically including any anti-competitive issues the Office may observe.

(Pub. L. 102-511, title VI, § 602, Oct. 24, 1992, 106 Stat. 3347.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5873 of this title.

### § 5873. Report to Congress

Within one year after October 24, 1992, the President shall submit to the designated congressional committees a report describing—

(1) the opportunities for increased space-related trade with the independent states of the former Soviet Union;

(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states;

(3) specific space hardware, space technology, and space services that have been, or could be, the subject of discussions described in section 5871(c) of this title;

(4) the trade missions carried out pursuant to section 5872(a) of this title, including the private participation in and the results of such missions;

(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and independent states, including any such barriers in either the United States or the independent states; and

(6) any anticompetitive issues raised during the course of negotiations, as observed pursuant to section 5872(b) of this title.

(Pub. L. 102-511, title VI, § 603, Oct. 24, 1992, 106 Stat. 3347.)

### § 5874. Definitions

For purposes of this subchapter—

(1) the term “contractor” means a National Aeronautics and Space Administration contractor to the extent that the acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union may be relevant to the contractor’s responsibilities under the contract; and

(2) the term “designated congressional committees” means the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

(Pub. L. 102-511, title VI, § 604, Oct. 24, 1992, 106 Stat. 3348.)

## CHAPTER 68—DEMILITARIZATION OF FORMER SOVIET UNION

### SUBCHAPTER I—FINDINGS AND PROGRAM AUTHORITY

#### Sec.

5901. Demilitarization of independent states of former Soviet Union.